

**NOTICE OF PROPOSED CHANGES
TO
BUILDING STANDARDS
OF THE
CALIFORNIA BUILDING STANDARDS COMMISSION**

**REGARDING THE CALIFORNIA BUILDING STANDARDS CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24**

Notice is hereby given that the California Building Standards Commission proposes to adopt, amend, repeal, approve, codify, and publish building standards proposed and submitted for the 2006 Annual Code Adoption Cycle of the California Building Standards Code (California Code of Regulations [CCR], Title 24). The California Building Standards Code is comprised of Part 1 (California Building Standards Administrative Code), Part 2 (California Building Code), Part 3 (California Electrical Code), Part 4 (California Mechanical Code), Part 5 (California Plumbing Code), Part 6 (California Energy Code), Part 7 (California Elevator Safety Construction Code), Part 8 (California Historical Building Code), Part 9 (California Fire Code), Part 10 (California Code for Building Conservation), and Part 12 (California Referenced Standards Code).

The building standards being proposed by the California Building Standards Commission, Department of Housing and Community Development, Division of the State Architect, Office of Statewide Health Planning and Development, and the Office of the State Fire Marshal are for incorporation into CCR, Title 24, Parts 1, 2, 3, 4, 5, 9, 10 and 12.

This notice concerns Part 5 of CCR, Title 24 as proposed by the agencies listed below. Summaries of the proposed actions and their impacts are listed by proposing agency in the appendix portion of this notice, as follows:

Appendix A California Building Standards Commission (CBSC)
Appendix B Department of Housing and Community Development (HCD)
Appendix C Division of the State Architect, Structural Safety Division (DSA SS)

WRITTEN COMMENT PERIOD

A public hearing has not been scheduled; however, written comments will be accepted from November 24, 2006 until 5:00 p.m. on January 8, 2007. Comments may be made using the form on CBSC's web site at www.bsc.ca.gov and either mailed or faxed to:

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Attention: Thomas L. Morrison, Deputy Executive Director

Written comments may be faxed to (916) 263-0959 or emailed to CBSC@dgs.ca.gov.

Public Hearing Request

Pursuant to Government Code (GC) Section 11346.5(a)17, any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period, that a public hearing be held.

Post-Hearing Modifications to the Text of the Regulations

Following the written comment period, CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available for at least 15 days prior to the date on which CBSC adopts, amends, or repeals the resulting standards.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

California Building Standards Commission

The California Building Standards Commission proposes to adopt these building standards under the authority granted by Health and Safety Code Sections (H&SC) 18928 and 18934.5. The purpose of these building standards is to implement, interpret, and make specific the provisions of H&SC Section 18928 and 18928.1. The California Building Standards Commission is proposing this regulatory action based on Health and Safety Code Section (H&SC) 18928.

Other Matters Prescribed by Statute Applicable to the Agency or to Any Specific Regulation or Class of Regulations: The California Building Standards Commission has determined that there are no other matters prescribed by statute applicable to the agency or to any specific regulation or class of regulations

Department of Housing and Community Development

The CBSC proposes to adopt these building standards under the authority granted by Health and Safety Code Section 18949.5. HCD is proposing this regulatory action based on Health and Safety Code Sections 17040, 17921, 17922, 18300, 18865, 18865.3 and 19990; and Government Code Section 12955.1. The purpose of these building standards is to implement, interpret, and make specific the provisions of Health and Safety Code Sections 17000-17060, 17910-17990, 18000-18700, 18860-18874, and 19960-19998; and Government Code Section 12955.1.

Other Matters Prescribed by Statute Applicable to the Agency or to Any Specific Regulation or Class of Regulations: None.

Division of the State Architect, Structural Safety Division

The California Building Standards Commission proposes to adopt these building standards under the authority granted by Health and Safety Code Section 18930 and 18949.1. The purpose of these building standards is to implement, interpret, and make specific the provisions of Health & Safety Code Sections 16000-16023, 16600-16604, and Education Code Sections 17280-17317 and 81130-81147. The Division of the State Architect is proposing this regulatory action based on Health & Safety Code Section 16022, 16600, and Education Code Sections 17310 and 81142.

Other Matters Prescribed by Statute Applicable to the Agency or to Any Specific Regulation or Class of Regulations: There are no other matters prescribed by statute applicable to the Division of the State Architect, or to any specific regulation or class of regulations.

INFORMATIVE DIGEST

Summary of existing laws and regulations

State Building Standards Law, H&SC Sections 18929 and 18930 require that building standards, including regulations that apply directly to the implementation or enforcement of building standards, be forwarded to CBSC for adoption and/or approval. H&SC Section 18929.1 requires CBSC to receive the building standards from state agencies for consideration in an annual code adoption cycle.

Each regulation shall be adopted in compliance with the procedures specified in H&SC Section 18930 and in GC, Title 2, Division 3, Part 1, Chapter 3.5, Article 5 (commencing with Section 11346). H&SC Sections 18949.1, 18949.2, 18949.3 and 18949.5 transfer the responsibilities to CBSC for adopting regulations relating to building standards proposed by DSA/AC, DSA/SS, HCD, OSHPD and SFM. Under the authority granted by these provisions of law, CBSC proposes this rulemaking.

CBSC is charged with the responsibility to adopt regulations that ensure adequate public participation in the development of building standards prior to submittal to the Commission for adoption and/or approval. In addition, the law requires that the regulations ensure adequate technical review of the proposed building standards by advisory bodies appointed by CBSC. The proposed building standards being noticed were reviewed by advisory bodies of the Commission on June 30 and August 16, 2006 in Sacramento, California. The recommendations made by these committees are incorporated into the express terms. (**Note:** See the informative digests for each state agency in the appendices for specific details on the effect of the proposals.)

Effect of this rulemaking

This rulemaking proposes to:

Adopt by reference the 2006 Uniform Plumbing Code and amend, repeal, approve, codify and publish building regulations contained in CCR, Title 24, Part 5 for CBSC, HCD, and DSA SS. (**Note:** See the informative digests for each state agency in the appendices for specific details on the effect of the proposals.)

FISCAL IMPACT

Estimate of Cost or Savings

See appendices.

Cost Impact on Representative Private Persons or Businesses

See appendices.

Initial Determination of Significant Effect on Housing Costs

See appendices.

Mandate on Local Agencies or School Districts

See appendices.

ECONOMIC IMPACT

Initial Determination of Significant Statewide Adverse Economic Impact on Businesses

See appendices.

Assessment of The Effect of Regulation Upon Jobs and Business Expansion, Elimination or Creation

See appendices.

FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE:

The state agencies have made an assessment of the proposal regarding the economic impact of recordkeeping and reporting requirements and have determined that a report pursuant to Government Code Section 11346.3(c) is not required.

ALTERNATIVES CONSIDERED

The state agencies involved in this rulemaking must determine that no reasonable alternative considered by the state agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is being proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF RULEMAKING DOCUMENTS

Each agency has prepared, and CBSC has available for public review, Initial Statements of Reasons (ISOR) for the proposed actions, information upon which the proposals are based, and the regulation text. The ISOR and the regulation text can be accessed from CBSC's website at www.bsc.ca.gov/. Hard copies may be requested by contacting CBSC or the state agency proposing the regulations.

Interested parties may obtain a copy of the Final Statement of Reasons, which summarizes objections or recommendations made regarding the regulatory actions and explains how the proposed actions have been changed to accommodate the objections or recommendations, when available, from either CBSC or CBSC's website.

CONTACT INFORMATION FOR QUESTIONS

CBSC Contact Person for Procedural and Administrative Questions

Specific questions regarding the regulations should be addressed to the following department contact person:

Thomas L. Morrison, Deputy Director
[Tom.Morrison@dgs.ca.gov/](mailto:Tom.Morrison@dgs.ca.gov) (916) 263-0916
(916) 263-0959 FAX

Dave Walls, Executive Director
Dave.Walls@dgs.ca.gov (916) 263-0916
(916) 263-0959 FAX

Contact Persons for Substantive and/or Technical Questions on the Proposed Changes to Building Standards

Specific questions regarding the standards should be addressed to the following department contact persons:

CBSC	Michael Nearman Jane Taylor	(916) 263-5888 (916) 263-0807 (916) 263-0959 FAX Michael.Nearman@dgs.ca.gov Jane.Taylor@dgs.ca.gov
HCD	Doug Hensel Jim McGowan	(916) 445-9471 (916) 445-9471 (916) 327-4712 FAX dhensel@hcd.ca.gov jmcgowan@hcd.ca.gov
DSA SS	Richard Conrad Howard "Chip" Smith	(916) 324-7180 (916) 323-1687 (916) 327-3371 FAX Richard.Conrad@dgs.ca.gov Howard.Smith@dgs.ca.gov

APPENDIX A
CODE CHANGE SUBMITTAL
PROPOSED BY THE
CALIFORNIA BUILDINGS STANDARDS COMMISSION

BSC 05/06 Part 5

INFORMATIVE DIGEST

Summary of Existing Laws

Health & Safety Code Section 18928. Model code, national standard, or specification; adoption of and reference to the most recent addition; date of publication; committee

Authorizes the commission to adopt the most recent edition of the Uniform Plumbing Code.

Health & Safety Code Section 18928(b). Model code, national standard, or specification; adoption of and reference to the most recent addition; date of publication; committee

Sets forth that each state agency adopting or proposing adoption of a model code, national standard, or specification shall adopt or propose adoption of the most recent edition of the model code, as amended or proposed to be amended by the adopting agency, within one (1) year after the date of publication of the model code, national standard, or specification.

Health & Safety Code Section 18934.5. Standards or administrative regulations for state buildings; adoption, approval, codification and publication

Sets forth that where no state agency has the authority to adopt building standards applicable to state buildings, the commission shall adopt, approve, codify, and publish building standards providing the minimum standards for the design and construction of state buildings.

Summary of Existing Regulations

The existing 2001 California Plumbing Code is a part of the California Code of Regulations, Title 24, also referred to as the California Building Standards Code and incorporates, by adoption, by the California Building Standards Commission, the 2000 Uniform Plumbing Code of the International Association of Plumbing and Mechanical Officials with amendments for state owned buildings & buildings constructed by the University of California and California State Universities.

Summary of Effect

This proposed action will make effective the 2006 UPC of IAPMO with necessary amendments to state owned buildings and to all occupancies identified pursuant to Health and Safety Code 18938, 180 days after the publication of the next triennial edition of the California Plumbing Code (CPC). This proposed action by the California Building Standards Commission will also make the 2001 CPC, inoperative for state owned buildings, and for persons applying for a building permit upon the effective date of the next triennial edition of the CPC.

FISCAL IMPACT

ESTIMATE OF COST OR SAVINGS

- A. Cost or Savings to any state agency: **None**
- B. Cost to any local agency required to be reimbursed under Part 7(commencing with Section 17500) of Division 4:
None
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4:
None
- D. Other nondiscretionary cost or savings imposed on local agencies: **None**
- E. Cost or savings in federal funding to the state: **None**

Estimate: **None**

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

CBSC is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

INITIAL DETERMINATION OF SIGNIFICANT EFFECT ON HOUSING COSTS

CBSC has made an initial determination that this proposal would not have a significant effect on housing costs.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The California Building Standards Commission has determined that the proposed regulatory action would impose a mandate on local agencies or school districts. However, the mandate does not require reimbursement pursuant to Part 7 (commencing with section 17500) of Division 4, Government Code. H&SC section 18928 requires the CBSC to adopt the most current edition of the model codes. H&SC 18938(b) makes applicable the most current edition of the model plumbing code to all occupancies throughout the State of California as prescribed.

ECONOMIC IMPACT

INITIAL DETERMINATION OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES

CBSC has made an initial determination that the adoption of this regulation will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

CBSC has assessed whether or not and to what extent this proposal will affect the following:

The creation or elimination of jobs within the State of California.

This regulation will not affect the creation or elimination of jobs within the State of California.

The creation of new businesses or the elimination of existing businesses within the State of California.

This regulation will not affect the creation or elimination of existing businesses within the State of California.

The expansion of businesses currently doing business with the State of California.

This regulation will not affect the expansion of businesses currently doing business within the State of California.

APPENDIX B

CODE CHANGE SUBMITTAL PROPOSED BY THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

HCD 03/06 Part 5

INFORMATIVE DIGEST

Summary of Existing Laws

Section 17921 of the Health and Safety Code and Section 12955.1 of the Government Code require HCD to propose the adoption, amendment, or repeal of building standards by the CBSC.

Section 17922 of the Health and Safety Code requires that the building standards be essentially the same as the most recent editions of the uniform industry codes. The CBSC is authorized to adopt these building standards under the authority granted by Health and Safety Code Section 18949.5.

Health and Safety Code Section 17922 states that the most recent editions of the uniform codes referred to in the section shall be considered to be adopted one year after the date of publication of the uniform codes.

Health and Safety Code Section 17040 requires HCD to adopt building standards for employee housing for "... the protection of the public health, safety, and general welfare of employees and the public, governing the erection, construction, enlargement, conversion, alteration, repair, occupancy, use, sanitation, ventilation, and maintenance of all employee housing."

Health and Safety Code Sections 18300, 18620, 18690, 18865, 18865.3, 18873 and 18873.4 require HCD to adopt building standards for mobilehome parks and special occupancy parks.

Health and Safety Code Sections 18300, 18620, 18630, 18640, 18865, 18865.3, 18873, 18873.1 and 18873.2 require HCD to adopt building standards for plumbing, including toilets, showers, and laundry facilities, in mobilehome parks

and special occupancy parks which HCD determines are reasonably necessary for the protection of life and property and to carry out the purposes of the Mobilehome Parks Act and the Special Occupancy Parks Act.

Health and Safety Code Section 19990 requires HCD to adopt building standards for factory-built housing.

Summary of Existing Regulations

The California Plumbing Code, Part 5 of Title 24 of the California Code of Regulations (CCR), also known as the California Building Standards Code, adopted by reference the 2000 Uniform Plumbing Code with California amendments, effective on November 1, 2002. The purpose of this code is to establish the minimum requirements necessary to safeguard the public health, safety and general welfare.

Summary of Effect

HCD proposes to adopt by reference the 2006 edition of the Uniform Plumbing Code (UPC), with California amendments, as indicated on the proposed matrix table, into Part 5, Title 24, CCR for the following programs:

(a) State Housing Law: relative to residential occupancies, buildings or structures accessory thereto and as provided for through the Federal Fair Housing Amendment Act's and state law accessibility requirements, except where the application is for public use only.

(b) Employee Housing Act: relative to the use of plumbing equipment and systems in or on any building or structure or outdoors on premises or property in accordance with Health and Safety Code Section 17040.

(c) Mobilehome Parks and Special Occupancy Parks: relative to the use of plumbing equipment and systems in or on any permanent buildings and accessory buildings and structures within the park in accordance with Health and Safety Code Sections 18300, 18630 and 18640.

(d) Factory-Built Housing Law: relative to residential buildings, dwellings or portions thereof, or building components, or manufactured assemblies in accordance with Health and Safety Code Section 19990.

These amendments: (1) bring forward previously-adopted California amendments to ensure their continuation in the California Plumbing Code; (2) define the application and scope of these standards; (3) update statutory authority references; (4) direct users to the California Building Code for information regarding accessibility provisions; (5) clarify certain terms through the amendment of their definitions; (6) correlate the administrative provisions with the California Building, Mechanical and Electrical Codes; (7) modify existing California amendments relating to the use of listed solvent cements and primers for CPVC piping; (8) bring forward previously-adopted model code language from the 2000 UPC, relating to water heaters; (9) modify existing California amendments relating to non-potable and reclaimed water identification; (10) bring forward an existing California amendment and propose a new amendment for materials used in water supply and distribution; (11) remove existing California amendments for materials used in sanitary drainage, venting and storm drainage; (12) propose new California amendments referencing the California Building Code for fire-stop protection. These amendments provide clarity and continuity, without increasing requirements, for the regulated public.

FISCAL IMPACT

Estimate of Cost or Savings

- A. Cost or Savings to any state agency: Health and Safety Code Section 17922 requires HCD to adopt by reference the most recent edition of the model building code. This action will result in a minimal cost to HCD which will be absorbed in the current budget.
- B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: NONE.
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: NONE.
- D. Other nondiscretionary cost or savings imposed on local agencies: NONE.
- E. Cost or savings in federal funding to the state: NONE.

Estimate: HCD believes that any additional expenditure resulting from this proposed action will be minimal and will be able to be absorbed within existing budgets and resources.

Cost Impact on Representative Private Person or Business

HCD is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Initial Determination of Significant Effect on Housing Costs

HCD has made an initial determination that this proposal would not have a significant effect on housing costs. The CBSC contact person designated below will make HCD's initial evaluation of the effect of the proposed regulatory action on housing costs available upon request. (See *Economic Impact of the Proposed California Plumbing Code Regulations on Private Persons and Businesses in the State of California* in the rulemaking file.)

Mandate on Local Agencies or School Districts

HCD has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts. Therefore, it does not mandate state reimbursement pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

ECONOMIC IMPACT

Initial Determination of Significant Statewide Adverse Economic Impact on Businesses

HCD has made an initial determination that the proposed action will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states. (See *Economic Impact of the Proposed California Plumbing Code Regulations on Private Persons and Businesses in the State of California* in the rulemaking file.)

Assessment of The Effect of Regulation Upon Jobs and Business Expansion, Elimination or Creation

HCD has initially assessed whether or not, and to what extent, this proposal will affect the following:

- The creation or elimination of jobs within the State of California.

These regulations will not affect the creation, or cause the elimination, of jobs within the State of California.

- The creation of new businesses or the elimination of existing businesses within the State of California.

These regulations will not affect the creation or the elimination of businesses within the State of California.

- The expansion of businesses currently doing business within the State of California.

These regulations will not affect the expansion of businesses currently doing business within the State of California.

(See *Economic Impact of the Proposed California Plumbing Code Regulations on Private Persons and Businesses in the State of California* in the rulemaking file.)

APPENDIX C

CODE CHANGE SUBMITTAL PROPOSED BY THE DIVISION OF THE STATE ARCHITECT, STRUCTURAL SAFETY

DSA SS 06/06 Part 5

INFORMATIVE DIGEST

Summary of Existing Laws

Section 16023 of the Health and Safety Code authorizes the State Architect to establish building standards for the design, construction and inspection of plumbing systems for state-owned or state-leased essential services buildings. Sections 17310 and 81142 of the Education Code authorize the State Architect to establish building standards for the design, construction and inspection of plumbing systems for public elementary and secondary schools, and community colleges.

Summary of Existing Regulations

Existing building standards which prescribe requirements for the design, construction and inspection of plumbing systems for state-owned or state-leased essential services buildings, and public elementary schools, secondary schools and community colleges are promulgated by the Division of the State Architect. These regulations are contained in the California Plumbing Code (Part 5, Title 24).

Summary of Effect

The proposed action would update Part 5 of Title 24 by repealing the adoption of the 2000 edition Uniform Plumbing Code, and adopting the 2006 edition Uniform Plumbing Code (published by the International Association of Plumbing and Mechanical Officials) with necessary amendments for state-owned or state-leased essential services buildings, and public elementary schools, secondary schools and community colleges for effectiveness as the 2007 California Plumbing Code.

FISCAL IMPACT

Estimate of Cost or Savings

- A. Cost or Savings to any state agency: **NO**
- B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **NO**
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **NO**
- D. Other nondiscretionary cost or savings imposed on local agencies: **NO**
- E. Cost or savings in federal funding to the state: **NO**

Cost Impact on Representative Private Persons or Businesses

The Division of the State Architect is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with this proposed regulatory action.

Initial Determination of Significant Effect on Housing Costs

The Division of the State Architect has made an initial determination that this proposed regulatory action WOULD NOT have a significant effect on housing costs. The CBSC contact designated below will make the Division of the State Architect's evaluation of the effect of the proposed regulatory action on housing costs available upon request.

Mandate on Local Agencies or School Districts

The Division of the State Architect has determined that this proposed regulatory action would not impose a mandate on local agencies or school districts.

ECONOMIC IMPACT

Initial Determination of Significant Statewide Adverse Economic Impact on Businesses

The Division of the State Architect has made an initial determination that this proposed regulatory action will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

Assessment of The Effect of Regulation Upon Jobs and Business Expansion, Elimination or Creation

The Division of the State Architect has assessed whether or not and to what extent this proposal will affect the following:

The creation or elimination of jobs within the State of California.

The Division of the State Architect has determined that the proposed action has no effect.

The creation of new businesses or the elimination of existing businesses within the State of California.

The Division of the State Architect has determined that this proposal has no effect.

The expansion of businesses currently doing business with the State of California.

The Division of the State Architect has determined that the proposed action has no effect.